

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT GETSO,

Plaintiff,

- against -

COMMISSIONER MICHAEL J. ASTRUE and  
SOCIAL SECURITY ADMINISTRATION,

Defendants.  
-----x

DOUGLAS F. EATON, United States Magistrate Judge.

By Order of Reference dated March 12, 2008, District Judge Laura Taylor Swain (who is the District Judge assigned to this case) referred this case to me for general pretrial supervision and to send her a Report and Recommendation on any dispositive motion. Until further order, Mr. Getso and AUSA Gura should address their papers to me rather than to Judge Swain.

I have reviewed:

- a. The February 1, 2008 Complaint. (I note that Exhibit 9 is missing).
- b. Mr. Getso's affirmation (served on March 12, 2008) moving for a preliminary injunction and temporary restraining order.
- c. Mr. Getso's affirmation (served on March 28, 2008) repeating that motion and annexing Exhibits A through D.
- d. Mr. Getso's letter to Judge Swain dated April 1, 2008, annexing a document which is already in the record as Exhibit A to the March 28 affirmation.
- e. AUSA Gura's letter to me dated April 1, 2008, in which he discusses the caselaw's stringent requirements for obtaining a preliminary injunction, and states that he is in the process of gathering information from the Social Security Administration and from the Department of Treasury.

I hereby give the Government until April 22, 2008, to serve and file a motion with respect to Mr. Getso's complaint. I will hold a hearing on the Government's motion (and on Mr. Getso's motion for a preliminary injunction) **on April 29, 2008, at 3:00 p.m. in Courtroom 18A on the 18th Floor at 500 Pearl Street.** On the present record, I deny Mr. Getso's request for a temporary restraining order pending my hearing on his motion for a preliminary injunction.

I have the following questions for Mr. Getso, to be answered to the best of his recollection. I direct him to send his answers to me (with a copy to AUSA Gura) by mail (and, if possible, also by fax) no later than April 15, 2008:

1. As to the timeframe from 1989 through 1996, state (a) the date of the first disability insurance benefits ("DIB") payment actually received by you, and (b) the date of the last DIB payment actually received by you.

2. As to the last DIB payment actually received by you prior to 1997, did you receive that payment in the form of a direct deposit to a bank account? If your answer is "Yes," then give the name and address of the bank, and the bank account's number and account names. If your answer is "No," then describe the method by which you received the last payment prior to 1997.

3. As to the six-month period before you left the United States in or about early 1995, (a) state each address where you were residing, and (b) state the address you believe was on record with the Social Security Administration as your residence.

4. At or about the time when you left the United States in or about early 1995, did you give the Social Security Administration any notices or instructions concerning your address or the handling of further payments of DIB to you? If your answer is "Yes," then give the dates and describe each such notice or instruction.

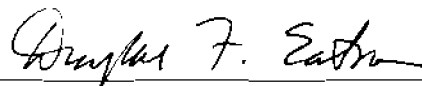
5. During what periods of time, if any, did you reside at Apartment 5D at 99 Saint Marks Place?

7. State the name and last known address of each person who resided at Apartment 5D at 99 Saint Marks Place during (a) 1995, (b) 1996, (c) 1997, (d) 1998.

8. State the name and last known address of any person who was authorized to receive mail addressed to you (at any

address) at any time during 1995 through 1998.

9. AUSA Gura's April 1, 2008 letter to me says: "SSA later notified plaintiff that he [had] been overpaid \$17,258.50 in DIB. In 1998, plaintiff asked SSA to waive recovery of the overpaid DIB." State the name and last known address of any person who might have requested the SSA, in or about 1998, to waive recovery from you of any alleged overpayment.



DOUGLAS F. EATON  
United States Magistrate Judge  
500 Pearl Street, Room 1360  
New York, New York 10007  
Telephone: (212) 805-6175  
Fax: (212) 805-6181

Dated: New York, New York  
April 3, 2008

Copies of this Memorandum and Order are being sent to:

Mr. Robert Getso (by e-mail to [rmgetso@yahoo.com](mailto:rmgetso@yahoo.com))

John E. Gura, Jr., Esq. (at fax 212-637-2712)

Hon. Laura Taylor Swain